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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE GOOGLE BUZZ USER
PRIVACY LITIGATION

This Pleading Relates To:

ALL CASES

Case No. 5:10-CV-00672-JW

**CLASS COUNSEL'S SUBMISSION OF
CY PRES ORGANIZATIONS AND
DISTRIBUTION AMOUNTS FOR
COURT APPROVAL**

On February 7, 2011 this Court held a Final Approval hearing in the above-captioned matter. Following that hearing, by Order dated February 16, 2011, the Court directed the parties to solicit *cy pres* nominations and ordered Class Counsel to “consolidate the list and submit the *cy pres* organization and distribution amount nominations to the Court for approval.” Order Re Nomination Process for *Cy Pres* Recipients, Dkt. 117, February 16, 2011. In accordance with that Order, Class Counsel submits the following report and nominations.

The parties widely solicited applications for *cy pres* funding. As of the March 14, 2011 deadline set by the Court’s February 16 Order, the parties had received 77 applications for *cy pres* funding seeking more than \$35 million altogether. Pursuant to Section 3.4 of the Settlement Agreement, counsel met and conferred on several occasions to select the final nominations. Following those meetings, the parties agreed to nominate 12 organizations to receive \$6,065,000.¹ The organizations and the amounts are:

American Civil Liberties Union, Inc.	\$1,000,000
Berkeley Center for Law & Technology	200,000
Berkeley Law School, Samuelson Law, Technology & Public Policy Clinic	700,000
Berkman Center for Internet & Society at Harvard University	700,000
Brookings Institution	165,000
Carnegie Mellon, CyLab Usability, Privacy & Security Lab	350,000
Center for Democracy & Technology	500,000
Electronic Frontier Foundation	1,000,000
Indiana University, Center for Applied Cybersecurity Research	300,000
Stanford Center for Internet & Society	600,000
YMCA of Greater Long Beach	500,000
Youth Radio	50,000

Some of these grants are for a two-year period. A one-page chart listing the 12 organizations and the work that they will do with the *cy pres* funding appears as Exhibit A. The Court’s February

¹The common fund created by this settlement contains \$8.5 million. Class Counsel has petitioned for a fee award of \$2,125,000 and for costs of \$29,286.85; Class Counsel intend to submit a motion seeking reimbursement of their final costs, including the costs of settlement and *cy pres* administration, within 30 days of Final Approval of the Settlement. If the Court grants Counsel’s fee and costs motions, Counsel estimates that approximately \$6 million will remain to be distributed to the *cy pres* recipients. The parties have agreed that any funds remaining in the Common Fund after payment of attorneys’ fees and costs should be distributed pro rata (i.e., based on the funding levels set forth above) to the *cy pres* recipients.

1 16, 2011 Order also directed Class Counsel to submit seven (7) specific pieces of information for
2 each nominated group. *Id.* at 2. Attached to this filing as Exhibit B are 12 one-page summaries
3 listing the information required by the Court's February 16 Order.

4 The 12 nominated organizations represent a broad cross-section of groups. The groups
5 work on privacy issues in disparate ways: some undertake advocacy, including litigation-related
6 work (such as the American Civil Liberties Union, the Electronic Frontier Foundation, and
7 Berkeley Law School's Samuelson Law, Technology & Public Policy Clinic); other groups do
8 lobbying-related work (Center for Democracy & Technology); while a number of the groups do
9 privacy-related research and education (such as Stanford University's Center for Internet &
10 Society and the Carnegie Mellon University's CyLab Usability, Privacy and Security Lab, which
11 researches mental models that will encourage consumers to protect their own privacy). Like the
12 class itself, the nominated organizations are spread throughout the United States. And the
13 nominated organizations will provide services to traditionally underserved populations: nominee
14 YMCA of Long Beach, for example, aims to train 10,000 low-income citizens on internet
15 privacy-related issues, and nominee Youth Radio focuses on low-income youth to raise
16 awareness of privacy-related internet concerns. The nominees will use the Settlement's Common
17 Fund in ways that are directly related to and consistent with the Class's claims in this case and
18 the landmark amount of funding made available will significantly increase the amount of
19 privacy-related research and advocacy work in the United States.

20 With the filing of this Report, Class Counsel has separately filed an updated Final
21 Approval Order that (1) reflects the nominations made herein and (2) recognizes that Class
22 Counsel will file a motion for reimbursement of the costs they have incurred since Class
23 Counsel's Final Approval filing in December 2010 within 30 days of Final Approval of the
24 Settlement. Class Counsel respectfully request that the Court approve the 12 nominated
25 organizations at the suggested funding levels and enter the proposed Order Granting Final

Approval to the Settlement, certifying the Settlement Class, appointing class representatives and Class Counsel, approving Class Counsel's fees and expenses, and enabling Counsel to file a final expense motion following Final Approval.

Respectfully submitted,

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